

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Petition of SBC Communications Inc. for)
Forbearance of Structural Separation Requirements)
and Request for Immediate Interim Relief)
in Relation to the Provision of Nonlocal)
Directory Assistance Services)
)
Petition of Bell Atlantic for Further)
Forbearance from Section 272 Requirements)
in Connection with National Directory)
Assistance Service)
)
BellSouth Petition for Forbearance for)
Nonlocal Directory Assistance Service)
)
TO: The Commission)

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 97-172

**CONSOLIDATED COMMENTS OF INFONXX, INC. ON
PETITIONS FOR FORBEARANCE OF
SBC COMMUNICATIONS INC., BELL ATLANTIC, AND BELL SOUTH**

INFONXX, Inc. ("INFONXX"), by its attorneys, submits these consolidated comments in response to the *Petition of SBC Communications Inc. for Forbearance from Section 272 of the Federal Telecommunications Act of 1996* ("SBC Petition")¹ and similar forbearance petitions filed by Bell Atlantic ("*Bell Atlantic Petition*")² and BellSouth ("*BellSouth Petition*")³ (collectively, "Petitioners"). INFONXX urges the Commission (1) to affirm and impose here the

¹ *Petition of SBC Communications Inc. for Forbearance of Structural Separation Requirements and Request for Immediate Interim Relief in Relation to the Provision of Nonlocal Directory Assistance Services*, CC Docket No. 97-172 (Nov. 2, 1999) ("SBC Petition").

² *Petition of Bell Atlantic for Further Forbearance from Section 272 Requirements in Connection with National Directory Assistance Service*, CC Docket No. 97-172 (Nov. 5, 1999) ("*Bell Atlantic Petition*"). The Bell Atlantic
(continued...)

requirement that Bell operating companies afford independent DA providers nondiscriminatory access, at imputed costs, to in-region directory listing information used in the provision of nonlocal directory assistance (NDA); (2) specifically with respect to the *SBC Petition*, to reject SBC's erroneously narrow interpretation of the "unaffiliated entities" to whom nondiscriminatory access must be provided; and (3) prior to granting the requested forbearance, to require Petitioners actually to offer directory listing information at imputed rates.

BACKGROUND AND SUMMARY

On October 8, November 2, and November 5, 1999, respectively, BellSouth, SBC Communications Inc. ("SBC") and Bell Atlantic filed petitions asking the Commission to forbear from imposing the separate affiliate requirement of Section 272 of the Communications Act, as added by the Telecommunications Act of 1996, on their provision of NDA.⁴ Previously, in its *NDA Forbearance Order*, the Commission had decided not to require U S WEST to provide nonlocal, in-region directory assistance (DA) through a separate affiliate.⁵ The Commission stated that it would also forbear from imposing Section 272's requirements on the national component of U S WEST's NDA service, provided that U S WEST offered the nationwide

(continued . . .)

Petition was filed on behalf of Bell Atlantic-Delaware, Inc.; Bell-Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; and Bell Atlantic-West Virginia, Inc. The other Bell Atlantic companies filed a similar forbearance petition on October 22, 1999.

³ *BellSouth Petition for Forbearance for Nonlocal Directory Assistance Service*, CC Docket No. 97-172 (Oct. 8, 1999) ("*BellSouth Petition*").

⁴ *BellSouth Petition*, at 12; *SBC Petition*, at 8; *Bell Atlantic Petition*, at 6.

⁵ Memorandum Opinion and Order, *In re Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of Directory Assistance, Petition of U S WEST Communications, Inc. for Forbearance*, CC Docket No. 97-172, FCC 99-133 (released Sept. 27, 1999) ("*NDA Forbearance Order*").

component as an incidental interLATA service using its own facilities.⁶ BellSouth, SBC, and Bell Atlantic now seek the same forbearance the Commission afforded U S WEST.⁷

Finding that U S WEST enjoys a monopoly position over its local exchanges and exchange access,⁸ the Commission conditioned its grant of forbearance in the *NDA Forbearance Order* to protect against exploitation of this dominant position in the market for NDA. As a condition of forbearance, the Commission required U S WEST to comply with the nondiscriminatory access requirements of Section 272(c)(1), 47 U.S.C. § 272(c)(1), which prohibits discrimination against "any other entity."⁹ To implement this requirement, the Commission ruled that U S WEST must offer its in-region directory listing information at imputed costs and that it must file modifications to its Cost Allocation Manual to reflect the Commission's decision.¹⁰ The Commission imposed these requirements to "ensure that the competitive advantages U S WEST enjoys with respect to the provision of directory assistance service throughout its region will not undermine competition in the market for nonlocal directory assistance service."¹¹

INFONXX urges the Commission, for the sound reasons set forth in the *NDA Forbearance Order*, to impose on BellSouth, SBC and Bell Atlantic the same condition requiring nondiscriminatory access for unaffiliated entities to directory assistance information at imputed costs. In implementing this important safeguard, however, the Commission should not

⁶ *Id.* ¶ 28.

⁷ *SBC Petition*, at 1; *Bell Atlantic Petition*, at 1; *BellSouth Petition*, at 1.

⁸ *NDA Forbearance Order* ¶ 35.

⁹ *Id.* ¶ 36.

¹⁰ *Id.* ¶ 37.

¹¹ *Id.* ¶ 36.

accept mere promises of Bell company compliance. After all, these companies have been providing NDA service in blatant violation of Sections 271 and 272 for close to a year.¹² To make the safeguard meaningful and effective, the Commission should condition its grant of forbearance on a requirement that each Petitioner actually offer directory listing information to unaffiliated entities at imputed cost. Mere promises or filings showing a shift of macro-level costs can give the Commission no assurance that consumers will in fact be protected by robust competition. As the recent Bell Atlantic Cost Allocation Manual (CAM) revisions demonstrate,¹³ CAM filings do not provide the Commission with an adequate basis to conclude that the prices at which directory listing information will be provided to unaffiliated entities will make competition possible. The Commission cannot ignore the inadequacy of these CAM filings. Unless directory listing information actually is offered at competitive prices, competition will not have an opportunity to take hold in the NDA market and the safeguard adopted in the *NDA Forbearance Order* would be meaningless. More significantly for this proceeding, the Commission's conclusion that forbearance can be granted under Section 10 because consumers will be protected would be in serious doubt.

DISCUSSION

I. THE COMMISSION SHOULD REQUIRE PETITIONERS TO MAKE DIRECTORY LISTING INFORMATION AVAILABLE TO ALL UNAFFILIATED ENTITIES AT IMPUTED COSTS.

The Commission correctly decided in the *NDA Forbearance Order* that a Bell company can provide NDA without a separate subsidiary, but *only if* it grants all unaffiliated

¹² See, e.g., Comments of AT&T Corp. to Petition of Bell Atlantic for Forbearance from Section 272 Requirements in Connection with National Directory Assistance Service, CC Docket No. 97-172, at 4-8 (Nov. 12, 1999).

¹³ See Revisions to Bell Atlantic Operating Companies' Permanent Cost Allocation Manual for the Separation of Regulated and Nonregulated Costs, ASD File No. 99-46 (Nov. 1, 1999) ("*Bell Atlantic CAM Revisions*").

entities access to its in-region directory listing information at imputed costs. The Commission should impose that same requirement on each of the Petitioners here. Indeed, two of the Petitioners, Bell Atlantic and BellSouth, willingly accept this requirement.¹⁴ The third, SBC, without any rational basis and contrary to the plain meaning of the *Order*, seeks to interpret the *NDA Forbearance Order* to require the provision of nondiscriminatory access "to local exchange and toll carriers only, and not to third party DA providers, which the Commission has already determined are not providers under the definition of Section 251(b)(3)."¹⁵ The Commission should reject SBC's flawed reasoning and impose the broad nondiscriminatory access requirement set forth in the *NDA Forbearance Order* on all Petitioners.

In the *NDA Forbearance Order*, the Commission specifically determined that all competing directory assistance providers must be able to compete with dominant firms on a level playing field to ensure that the dominant firm's charges, practices, classifications, and regulations are just and reasonable, and not unjustly or unreasonably discriminatory.¹⁶ Without the condition that the dominant firm provide nondiscriminatory access to the in-region directory listing information that it uses to provide NDA, the Commission feared that competition in the directory assistance market would be eroded over time.¹⁷ Nothing has changed in the directory assistance marketplace since the *NDA Forbearance Order* that would call into question the

¹⁴ See *Bell Atlantic Petition*, at 4; *BellSouth Petition*, at 8-9.

¹⁵ *SBC Petition*, at 4. Moreover, SBC does not state that it actually will comply even with its limited interpretation of the condition of providing nondiscriminatory access to its in-region directory listing information.

¹⁶ *NDA Forbearance Order* ¶ 36.

¹⁷ *Id.*

Commission's conclusion that the nondiscriminatory access condition is necessary to ensure competition.¹⁸

Moreover, the Commission clearly believed that consumers would be adequately protected only if *all* unaffiliated entities, not just carriers as SBC contends, had nondiscriminatory access to directory listing information. In considering U S WEST's petition for forbearance, the Commission was well aware of the role of independent DA providers in bringing competition to the NDA marketplace. For example, INFONXX filed a letter encouraging the Commission to ensure competition by requiring U S WEST to provide nondiscriminatory access to "all competitive DA providers (whether or not such providers are 'telecommunications carriers')." ¹⁹ The Commission cited INFONXX's letter in the *NDA Forbearance Order* when it observed that U S WEST previously had refused to provide "unaffiliated entities" with access to the directory listing information U S WEST uses to provide NDA. ²⁰ Thus, in using the term "unaffiliated entities," the Commission recognized that independent DA providers are competitors of dominant firms such as U S WEST and clearly contemplated that the term "unaffiliated entities" would include independent DA providers. ²¹ The Commission in no way limited the term only to telecommunications carriers under Section

¹⁸ The *NDA Forbearance Order's* broad grant of access to directory listing information is in tune with the *N11 Forbearance Order* and other actions the Commission has taken recently to promote competition in the telecommunications market. See, e.g., First Report and Order and Further Notice of Proposed Rulemaking, *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, 12 FCC Rcd 5572 (1997); Memorandum Opinion and Order, *Bell Operating Companies Petitions for Forbearance from the Application of Section 272 of the Communications Act of 1934, as amended, to Certain Activities*, CC Docket No. 96-149, 13 FCC Rcd 2627, 2664-66 (1998).

¹⁹ Letter from Gerard J. Waldron, INFONXX, to Magalie Roman Salas, Secretary, Federal Communications Commission (May 20, 1999) (INFONXX May 20, 1999 *Ex Parte*), at 3.

²⁰ *NDA Forbearance Order* ¶ 34 (citing letters from independent DA providers INFONXX and Metro One Telecommunications).

²¹ *Id.* ¶ 36.

251(b)(3). Moreover, a plain reading of "unaffiliated entities" provides no basis for limiting the term as SBC proposes. The Commission's mandate is clear: To ensure competition in the NDA market, Bell companies that wish to provide NDA service must provide nondiscriminatory access to their directory listing information to *all* unaffiliated entities that compete with them in that market, including independent DA providers.²²

II. TO ENSURE THAT ITS SAFEGUARD IS IMPLEMENTED APPROPRIATELY, THE COMMISSION SHOULD CONDITION THE GRANT OF EACH FORBEARANCE PETITION ON THE PETITIONER'S ACTUAL OFFERING OF DIRECTORY LISTING INFORMATION TO UNAFFILIATED ENTITIES AT IMPUTED COSTS.

A central premise of the *NDA Forbearance Order* is that the potential power of the Bell company to use its dominant market position to harm consumers can be countered by competition in the market for NDA. A corollary determination, equally important, is that a necessary prerequisite for such competition is a requirement that all unaffiliated entities have access to the Bell company's directory listing information at imputed costs.²³ Although INFONXX supports the Commission's imposition of this safeguard, the requirement does not advance the Commission's goal unless the Bell company actually offers such information at costs that make it economical for competing providers to access the data. If the cost to competing providers is inflated, then those entities will not be able to use the Bell company's database. As a

²² SBC also contends that the California Public Utility Commission (CPUC) prohibits SBC's affiliate Pacific Bell (PacBell) from releasing the required directory listing information without the authorization of the underlying carrier. *SBC Petition*, at 4. However, this constraint should in no way exempt SBC from complying with a condition of forbearance designed to safeguard competition. If SBC obtains directory listing information from an independent or competitive LEC in its region, it should not be able to use that information to provide NDA unless it is able to release the information in compliance with the forbearance condition. If the CPUC requires PacBell to obtain a LEC's authorization to release directory information, PacBell simply must obtain that authorization before it uses the information itself. The CPUC's requirement is not designed to stifle competition, but rather to protect the expectations of underlying carriers. Thus, SBC should not be heard to complain that the CPUC's requirement requires it to harm competition. Instead, the CPUC's requirements can be accommodated.

²³ *NDA Forbearance Petition* ¶ 36.

consequence, the Commission's safeguard would be hollow because, contrary to the specific requirements of Section 10, consumers would not be protected from unjust and unreasonable rates and practices.

Given the importance of the cost of access to directory listing information to the Commission's forbearance analysis, we think that it would be premature for the Commission to grant a forbearance petition unless the Bell company petitioner actually has offered such information at imputed costs. Mere submission of revisions to a cost allocation manual cannot give the Commission or competing directory assistance providers sufficient information to determine that directory listing information will be made available at costs that permit competition.²⁴ For example, the nonregulated NDA costs described in Bell Atlantic's CAM revisions appear to include operator terminal costs and other costs not related to the compilation and maintenance of the directory assistance database.²⁵ Because these additional costs should not be included in imputed costs for access to directory listing information, the CAM filing does little to help the Commission or competing DA providers to determine the actual price at which directory listing information will be offered.

In order to grant forbearance pursuant to Section 10, the Commission should require the Petitioners to provide concrete evidence that they are in fact complying with the Commission's directive to make directory listing information available at imputed costs. Such a requirement would not unduly burden the Petitioners. In fact, Bell Atlantic in New York has filed a tariff indicating that it can provide access to directory listing information for the entire

²⁴ See *Bell Atlantic CAM Revisions*.

²⁵ See *Bell Atlantic CAM Revisions*, Change Matrix, at 4.

State of New York at an initial price of \$83,341 and a monthly fee of \$3,866 for daily updates.²⁶

A subsequent filing sets forth a lower initial load rate and higher monthly update rates.²⁷ The parties may disagree about whether Bell Atlantic's New York rates are based on fully allocated costs or forward-looking costs, but these filings certainly show that at least one Bell company can set forth in concrete terms its cost structure for providing directory listing information.

The Bell companies' long record of noncompliance with key provisions of the Communications Act related to the provision of NDA service, which could be grounds for severe penalties or forfeitures, mandates that, at minimum, any grant of forbearance should be tied to an actual offering of directory listing information at nondiscriminatory and imputed costs. Only then can the Commission and others judge the adequacy of this requirement to protect consumers against unjust and unreasonable charges and practices.

CONCLUSION

In seeking forbearance from the requirements of Section 272, Petitioners recognize that the Commission conditioned forbearance for U S WEST on its providing unaffiliated entities with nondiscriminatory access to the in-region directory listing information it uses to provide NDA. The Commission should impose that same requirement on all of the Petitioners in the instant proceeding. In addition, the Commission should affirm that the term "unaffiliated entities" is not limited in any respect and certainly includes independent DA providers. Finally, INFONXX urges the Commission to render this safeguard meaningful and

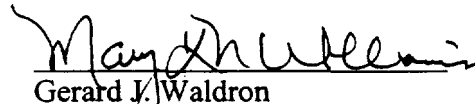
²⁶ See New York Telephone Company P.S.C. Tariff No. 900, as amended effective Jan. 19, 1999, at 1st Revised Page 50 (attached as Attachment A).

²⁷ See Panel Testimony of Bell Atlantic-New York on Costs and Rates for Directory Assistance Listings Services, N.Y.P.S.C. Case No. 98-C-1357, Exhibit Part C (July 23, 1999) (attached as Attachment B).

effective by further conditioning grant of the forbearance petitions on an actual offering of directory listing information at imputed costs.

Respectfully submitted,

INFONXX, INC.



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November 29, 1999

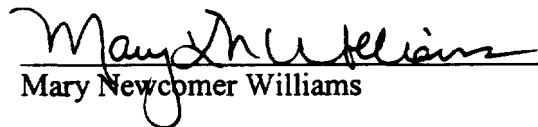
CERTIFICATE OF SERVICE

I, Mary Newcomer Williams, certify that on this 29th day of November, 1999, I caused a copy of the foregoing Consolidated Comments of INFONXX, Inc. on Petitions for Forbearance of SBC Communications, Inc., Bell Atlantic and BellSouth to be served by first-class mail, postage prepaid, on the following:

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Mary Newcomer Williams

ATTACHMENT A

New York Telephone
A Bell Atlantic Company
1095 Avenue of the Americas
New York, N.Y. 10036

Sandra D'Iorio Thorn
General Counsel
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January 19, 1999

Honorable Debra Renner
Acting Secretary, Public Service Commission
State of New York
Three Empire State Plaza
Albany, New York 12223

Dear Secretary Renner:

The tariff schedule shown in the attachment to this letter and issued by New York Telephone Company is transmitted for filing in accordance with the requirements of the Public Service Commission, State of New York, effective January 19, 1999 inasmuch as the Commission's office is closed January 18, 1999.

This filing is made in compliance with the Commission's January 7, 1999 "Order Resolving Petitions for Rehearing and Clarification of July 22, 1998 Order Regarding Directory Database Issues and Refiling of Tariffs" in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

The proposed tariff revisions would amend Tariffs P.S.C. Nos. 900 and 916—Telephone to provide for the following:

- Modification to the P.S.C. No. 900 Tariff of the Directory Assistance Listings Service (DALIS) and the Provision of Listings to Directory Publishers (DPLS) tariff provisions to reflect that the Directory database information will be provided in paper or electronic formats;
- Clarification of the P.S.C. Nos. 900 and 916 Tariffs of the provisions for DALIS and Directory Assistance Listings Transfer (DALT) to reflect that non-published listings will be included in the Directory Listings database and that Directory Assistance Providers (DASPs) and Telecommunication Carriers (TCs) must abide by the Privacy Principles in Case No. 90-C-0075 and associated liability provisions;

-2-

- Adjustment to the P.S.C. No. 900 Tariff of the DPLS, DALs rates and the associated Clearing House Compensation per listings rates to reflect the incremental cost based rate; and
- Minor corrections in text were made.

The Company respectfully requests that newspaper publication requirements be waived for this filing, in view of the fact that copies of the filing are being sent to all active parties to Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

Very truly yours,



Attachment

cc: All Active Parties to Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075

Attachment

List of Tariff Pages
Effective January 19, 1999

P.S.C. No. 900--Telephone

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P.S.C. No. 916--Telephone

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P.S.C. No. 900--Telephone
New York Telephone Company

Preface
4th Revised Page 9
Superseding 3rd Revised Page 9

PREFACE

Statement of Company's Reservation of Objections and/or Adjustment Provisions

ITEM 11

The rates and changes issued April 21, 1997, reflect the Commission's Order of March 31, 1997 in Case 96-C-1174, and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 12

The rates and changes issued May 1, 1997, reflect the Commission's Order of April 1, 1997 in Case Nos. 95-C-0657, 94-C-0095 and 91-C-1174, and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 13

The rates and changes issued February 9, 1998, reflect the Commission's Order of December 22, 1997 in Case Nos. 95-C-0657, 94-C-0095, and 91-C-1174 and are without waiver of or prejudice to any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

ITEM 14

The rates and changes issued October 2, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174 and 96-C-0036, and are without waiver of, or prejudice to, any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law. These rates and changes related to Directory Database issues are being filed by the Company to comply with the requirements of the Order. The Company filed a Petition for Rehearing on August 28, 1998, seeking reconsideration and/or rehearing in this proceeding questioning the appropriateness of various provisions contained in the Commission's July 22, 1998 Order.

ITEM 15

The rates and changes issued January 15, 1999, reflect the Commission's Order of January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075, and are without waiver of, or prejudice to, any rights or objections of New York Telephone Company with respect to such Order and are subject to the adjustment provisions of Section 113 of the Public Service Law.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

Issued: January 19, 1999

Effective: January 19, 1999

By Sandra Dilorio Thorn, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

P.S.C. No. 900--Telephone

New York Telephone Company

Section 9
1st Revised Page 44
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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES

The Telephone Company will provide access to the Telephone Company's New York alphabetical White Pages Directory Listings (DL). Access is provided to Directory Publishers (DP) and Directory Assistance Service Providers (DASPs) who request Directory Listings Data Services in order to publish a directory, or provide Directory Assistance Service to their end users. Access to DL is provided by the Telephone Company on various media and is equivalent in content to the DL data that is used to publish the Telephone Company's directory. The Telephone Company will provide two Directory Listings Data Services as set forth in 1. and 2. following.

1. Directory Assistance Listing Service (DALs)a. Description of Service

Directory Assistance Listing Service (DALs) provides Directory Assistance Service Providers (DASPs) or Directory Publishers (DP) with subscriber name, address and telephone number listing data (including EAS Listings) contained in the Telephone Company's directory listing database formatted for the purpose of their provision of Directory Assistance services and publishing White Page Directories, in any format, that does not contain any classified advertisement. A DALs Technical Transfer Specification document will be made available to DASPs or DPs for use in designing their DALs database system.

DALs will include Initial Extract and Daily Updates as follows:

(A) Initial Extract

Initial Extract contains the listed names, addresses and telephone numbers of Telephone Company, Independent Company, and CLEC subscribers. After receiving a written order to prepare the Initial Extract, the Telephone Company will process the magnetic cartridge within sixty (60) days. Requests for any other media will be handled on a negotiated basis and rates will be based on incremental cost. Other media includes either Electronic delivery or Paper. (C)

(B) Daily Updates

Daily Updates will reflect all listing change activity occurring since the DASP's or DP's previous update. The updates shall be used solely by the DASP or DP to keep the Initial Extract current. Delivery of Daily Updates will commence the day after the DASP or DP receives the Initial Extract. Each update will be provided via electronic file transfer or paper. (C)

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

Issued: January 19, 1999

Effective: January 19, 1999

By Sandra Dilorio Thorn, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

P.S.C. No. 900--Telephone
New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)

1. Directory Assistance Listings Service (DALS) (Cont'd)

b. Regulations

- (A) This service is for use by DASPs in providing Directory Assistance Service or for DPs for publishing White Page Directories, in any format, that does not contain any classified advertising.
- (B) DALS will include all directory listings in the database. However, non-published listings will include only the customer names and addresses, but not telephone numbers and will be designated that the customer's number is non-published. Non-published listings will be provided only for the purpose of providing Directory Assistance Services.
The non-published information shall be provided subject to the DASP's agreement to abide by the Privacy Principles in Case No. 90-C-0075 and with the agreement not to use the information for any purpose other than informing directory assistance callers that the customer's telephone number is non-published. Address information of non-published customers shall not be given out by DASPs and shall be used for identification purposes only. Any violation of this provision or PSL section 91 (5) may result in loss of DA access and/or subject the violator to a penalty action under PSL section 25.
DALS Updates will be provided on the same periodic basis that the Telephone Company updates its database.
- (C) The Telephone Company will correct errors in its previously transmitted DALS data via daily updates in the same manner that the Telephone Company corrects errors included in its own database. DASP or DP Inquiries regarding DASP or DP listing content will be directed to the owner of the listing (i.e., the Telephone Company, Independent Telephone Company, or CLEC).
- (D) The minimum service period for DALS is twelve (12) months. DALS service shall renew for a new minimum service period of twelve (12) months at the end of the initial or renewal term unless the DASP or DP provides written notice of termination 90 days in advance of the expiration of the then current term. The regulations specified for deposits and payment of service in Section 1, Paragraph (H) of this Tariff will apply. If a DASP or DP cancels an order for the Initial Extract prior to the scheduled delivery date, the Telephone Company shall apply a cancellation fee to the DASP or DP which will be the full nonrecurring charge for the DALS service. If a DASP or DP terminates subscription to DALS on or after the scheduled delivery date of the Initial Extract, termination fees will equal the DALS monthly rate multiplied by the remaining months in the minimum service period.
- (E) DALS may not be used for any purpose which violates federal or state laws, statutes, regulatory orders or tariffs.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

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P.S.C. No. 900--Telephone

New York Telephone Company

Section 9
1st Revised Page 46
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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICE (Cont'd)1. Directory Assistance Data Listings Service (DALIS) (Cont'd)b. Regulations (Cont'd)

- (F) The Telephone Company will provide written specifications for the format and delivery of DALIS data in a Technical Specifications document. Any future changes to the format are at the sole discretion of the Telephone Company and will be communicated to all DASPs or DPs with not less than 90 days notification.
- (G) The DASP is not permitted to resell or transfer the listings or use the listings for telemarketing, sales, marketing, or other non-directory assistance purposes.
- (H) The DP can use, copy, enhance, and modify the Listing Information received solely in the (a) compilation of databases to be contained in, and the marketing and sublicensing of, DP's Directory Products or (b) accessing, searching for, and location of Listing Information; checking information already in the possession of the user against the particular Listing Information that has been located by such search; and/or printing out or recording the individual Listing Information items that have been located by such search. The DP shall not use the Directory Listings Information for any activities associated with the production or publication of Yellow Page directories or other advertiser supported Directories. The DP is not permitted to use the transferred listings for telemarketing, sales, marketing, or other non-directory purposes.
- (I) The provisioning of DALIS data will be subject to (1) and (2) as follows: (C)
 - (1) Except for the permitted uses, the DASP or DP shall not disclose DALIS data to others and shall use due care in providing the security and confidentiality of DALIS data. The DASP or DP shall not rent, license, resell or otherwise exchange DALIS data with or without compensation for any purpose nor shall the DASP permit its end users to do the same. The DASP shall not reproduce DALIS data. (T)
 - (2) Failure to comply with the provisions of this Tariff shall result in termination of the service and the DASP or DP shall immediately return to the Telephone Company all copies of DALIS data in its possession and shall make no further use of DALIS data. The Telephone Company may suspend or cease the service when the DASP or DP fails to make timely payment of charges or when the Telephone Company has reasonable grounds to believe that the DASP or DP has been or is in violation of the prescribed use and application of the data or other terms of the Tariff. Upon DASP or DP termination of DALIS, the DASP or DP shall return all copies of DALIS or provide adequate written proof that the data has been removed from its systems and has been destroyed. (T)

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 15 for Statement of Company's Reservation of Objections.

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P.S.C. No. 900--Telephone
New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICE (Cont'd)

1. Directory Assistance Data Listings Service (DALS) (Cont'd)

b. Regulations (Cont'd)

- (J) The DASP or DP, upon request, shall make available to the Telephone Company all reasonable and necessary records to allow the Telephone Company to verify and audit the uses and applications of the Directory Listings (DL) provided to DASP or DP. The Telephone Company may perform an audit at any time upon written notice to the DASP or DP.
- (K) The Telephone Company does not warrant continued availability of (a) any particular format, specifications, mode, or medium in which it makes DL data available, or (b) all the DL data presently provided as part of DALS. The Telephone Company will provide written notice ninety (90) days in advance of the discontinuance of such information to the DASP or DP. Performance by the Telephone Company shall be excused if the Telephone Company no longer maintains a database containing DL or no longer produces, in the ordinary conduct of its business, DL data, as described in this Tariff.
- (L)
- (D)
- (M) The Telephone Company makes no express or implied warranties with respect to the accuracy or completeness of the directory listing data provided as part of DALS, and the DASP or DP hereby releases the Telephone Company from any liability for damages due to errors or omissions in the directory listing data provided under this Tariff or by reason of delay in providing the directory listing data.
- (N) The DASP or DP will provide a written request, signed by a duly authorized representative, to initiate DALS service. The DASP or DP shall not permit anyone but its duly authorized employees, affiliates, or agents to inspect or use the DL data furnished by the Telephone Company. The DASP or DP shall take appropriate security measures to guard against unauthorized use of the DL information furnished hereunder by employees, affiliates, agents, or others; but any unauthorized use, whether by the DASP or DP, its employees, affiliates, or others, shall be deemed a violation of this Tariff, irrespective of the security measures which have been or are being taken by the DASP or DP.

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P.S.C. No. 900--Telephone
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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICE (Cont'd)

1. Directory Assistance Data Listings Service (DALIS) (Cont'd)

b. Regulations (Cont'd)

- (O) Nothing in this Tariff or elsewhere shall give the DASP or DP any exclusive or proprietary right to the DL data, and the Telephone Company shall be free at any time to provide information to others under the same or different terms and conditions as the Telephone Company, in its sole discretion, may determine.
- (P) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings, including the DL data provided to the DASP or DP. The DASP or DP shall protect, indemnify, save harmless and defend the Telephone Company from and against any and all loss, liability, damages and expense arising out of any demand, claim, suit or judgment for damages that may arise out of the Telephone Company's supplying of DL or DASP's or DP's use of data contained therein irrespective of any fault, failure, or negligence on the part of the Telephone Company, including but not limited to claims made by consumers or other telephone companies(s) or ITC(s) relating to the provision, use or accuracy of DALIS or DL data.
- (Q) The Directory Listing Database is and shall remain the property of the Telephone Company. The DASP shall have no right to permit any other DASP or person to use any information extracted therefrom without the express written consent of the Telephone Company, provided, however, the DASP is authorized to make a general distribution of the directories that it published. (C)
- (R) Failure of the Telephone Company to enforce or insist upon compliance with any provision of this Tariff shall not constitute a waiver of its right to enforce future compliance with that provision or compliance with any other provision hereof.
- (S) The DASP or DP, its employees, representatives, or agents shall not use any methods of advertisement, solicitation, order form, billing invoice, stationary, promotional material or any artifice or device which would tend to create the impression or imply that any service provided by the DASP, whether using DALIS or not, was or sponsored by the Telephone Company.
- (T) The DASP or DP shall also be responsible to the Telephone Company for any and all loss, damage and expense the Telephone Company may suffer as a result of the publication by the DASP or DP, whether advertent or inadvertent, by the DASP or DP of the subscriber's non-published telephone number, including, but not limited to the cost incurred in changing the subscriber's telephone number. (N)

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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P.S.C. No. 900--Telephone
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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)

1. Directory Assistance Data Listings Service (DALS) (Cont'd)

c. Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of Independent telephone companies (ITCs) and CLECs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company sells its listings, including the CLEC and ITC listings, to a DASP at the appropriate tarified rates for DALS as specified in Paragraph (e) following.

The Telephone Company will bill the DALS rate as specified in Paragraph e.(A) and a Clearing House Administrative Function rate for the ITCs or CLEC listings to the DASP specified in Paragraph e.(B).

The ITCs or CLECs will be compensated for their listings included when DALS services are performed.

The Clearing House Administrative Function is only provided in connection with Directory Assistance Listings Service (DALS), Directory Publisher Listings Service (DPLs) as specified in J.2. and Directory Assistance Listings Transfer (DALT), as specified in Section 5.8.1.6 in the P.S.C. No. 916--Telephone Tariff.

d. Rate Application

The Initial Extract Charge provides for the initial full load and applies per extraction. Nonrecurring charges apply as specified in J.1.e.(A)(1) following. The Daily Update monthly rate provides for the daily updates and applies on a monthly basis as specified in J.1.e.(A)(2) following. In addition, shipping costs for the media will be incurred by the DASP.

The Clearing House Administrative Function for the CLEC or ITC directory listings rates will apply in addition to the Initial Extract and/or Daily Update monthly rates.

The Compensation rate will be remitted to the ITCs or CLECs for their listings provided when the DPLS services were performed.

The Clearing House Administrative Function and Compensation rates apply on a per listings basis, as specified in J.1.e.(B)(1) and J.1.e.(B)(2) following.

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P.S.C. No. 900--Telephone

New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)1. Directory Assistance Data Listings Service (DALS) (Cont'd)e. Rates and Charges

The following rates and charges apply:

| (A) <u>DALS</u> | | <u>Monthly Rates</u> | <u>Nonrecurring Charges</u> | |
|---|--|--------------------------|---------------------------------|-----|
| (1) | Initial Extract | | \$83,341 | (C) |
| (2) | Daily Updates | \$3,866 | | (C) |
| (B) <u>Clearing House for ITC/CLEC Listings</u> | | <u>Rates</u> | | |
| (1) | Administrative Function - Per Listing | \$0.0173 | | |
| (2) | <u>Compensation*</u> - Per Listing | 0.0062 | | (C) |

2. Provisioning of Listings to Directory Publishers (DPLS)a. Description of Service

Directory Publishers Listing Service (DPLS) provides Directory Publishers (DP) with the subscriber's Directory Listing data contained in the Telephone Company's directory listings database solely for use by the DP in the publication of a directory. A DPLS Technical Transfer Specification document will be made available to DPs for use in designing their DPLS database system. The DP must provide the area code(s) and NNX code(s) of the requested data. The DP can not transfer or resell or exchange DPLS information with or without compensation to any other DP or to any other person for any purpose.

DPLS will include Initial Extract and Optional Updates at the option of the subscriber as follows:

(A) Initial Extract

Initial Extract contains the listed names, addresses and telephone numbers of Telephone Company, Independent Company, and CLEC subscribers. The DPs in their written request for DPLS, must include the area code(s) and the NNX code(s) for the requested data. After receiving an order to prepare the initial extract, the Telephone Company will process the magnetic cartridge media within five (5) business days.

- * Each Independent Telephone Company (ITC) or Certified Local Exchange Carrier (CLEC) will be compensated at the above compensation rate for their listing data until such time as that ITC or CLEC receives its own approved compensation rate.

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New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)

2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)

a. Description of Service (Cont'd)

(B) Optional Updates

At the option of the DP, two Updates will be available, Periodic Updates and Daily Updates. These updates will contain a list of the most recent Listing change activity since the DP's receipt of the Initial Extract media.

Periodic Updates will include all the Listing change activity that occurred over a four week period. Periodic Updates will be provided every four weeks. The delivery timeframe for the Periodic Update media will be handled on a negotiated basis.

Daily updates contain a list of the most recent change listing activity since the DP's previous update. Daily Updates will be available on an individual case basis. The Delivery timeframe of the daily updates may commence the day after the DP receives the Initial Extract media.

The Daily and Periodic Updates shall be used solely by the DP to publish a Directory. Each update will be provided via electronic file transfer.

b. Regulations

The regulations set forth in J.1.b.(E), J.1.b.(F) and J.1.b.(I)(2) through J.1.b.(R) preceding for DALS, also apply to DPLS. In addition, the following regulations will apply: (C)

(A) The Telephone Company will grant a non-exclusive right to use, copy, and enhance or modify the format of the DPLS listing information solely for use in the compilation of a directory, including non-print directories that provide telephone number and/or address information in other than printed form, including but not limited to: a) Compact Disc Read-Only Memory; b) electronic access via computer, modem, and/or gateway systems; and c) other means of electronic communication.

(B) The Telephone Company will furnish to the DP listing information consisting of the name of the listed subscriber, address, telephone number, and designation (i.e., nature of business) obtained at the time service is initiated, if any, and other details as specified in the Telephone Company's DPLS Technical Transfer Specification which will be made available to DPs for use in designing their DPLS system.

DPLS information may be provided in a Magnetic Tape medium of delivery. Other mediums of delivery will be negotiated on an Individual Case Basis and rates will be based on incremental cost. Such additional mediums may include Electronic delivery, Magnetic Tape, CD Rom, Diskette and Paper. (C)

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P.S.C. No. 900--Telephone

New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)b. Regulations (Cont'd)

- (C) The DP will notify the Telephone Company promptly in writing, if it discontinues publication or distribution of any directory for any or all of the central office codes included in DPLS. The Telephone Company will cease to furnish to the DP the DPLS data for such central office codes.
- (D) The DP may request additions to or deletions of central office codes from the request for DPLS listings. The DP shall notify the Telephone Company in writing sixty (60) days prior to the desired implementation date for any additions to or deletions from the central office codes included in DPLS.
- (E) The DP will provide a written request, signed by a duly authorized representative, to initiate DPLS service. The DP shall not permit anyone but its duly authorized employees, affiliates, or agents to inspect or use the DPLS information furnished by the Telephone Company. The DP shall take appropriate security measures to guard against unauthorized use of the subscriber listing information furnished hereunder by employees, affiliates, agents, or others; but any unauthorized use, whether by DP, its employees, affiliates, or others, shall be deemed a violation of this Tariff, irrespective of the security measures which have been or are being taken by the DP. Upon request by the Telephone Company, the DP shall advise the names of persons with access to the Subscriber listing information and shall permit the Telephone Company to inspect the premises where the DPLS information is stored, used or maintained. Such inspection shall not release the DP from any responsibility or duty required by this Tariff or applicable law.
- (F) The DP agrees that, in the publication of its directories, the DP will not use any distinctive mark, identification or classification which will identify a particular listing as being a new or changed listing.

Neither the DP nor its employees, agents, or representatives shall represent in any way to any person or make any advertising claim that its directories are sponsored or approved by the Telephone Company or that the Telephone Company has any responsibility for or in connection with the compilation, production, publication, or distribution of DP's directories. The DP shall not publish its directories in such form as may cause or create confusion with or identification with the Telephone Company's directories.

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P.S.C. No. 900--Telephone

New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)b. Regulations (Cont'd)

(G) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings. The DP agrees to release the Telephone Company from any and all liability which may arise due to any errors and omissions in the Telephone Company's listings. The DP shall assume all risk of liability and shall indemnify, protect and save harmless, and defend the Telephone Company from and against any and all loss, liability, damages, and expense arising out of any demand, claim, suit, or judgment for damages which may arise out of the Telephone Company's supplying of listing information or DPLS under this Tariff or DP's use thereof, including but not limited to any claims of other telephone companies or residential or business subscribers irrespective of any fault, failure, knowledge, or negligence on the part of the Telephone Company.

(H) Nothing in this Tariff or elsewhere shall limit or forbid in any way the format, content, and scope of the directories now being published on behalf of the Telephone Company or to be published in the future.

(I) The DP shall not permit any other DP or any other person to publish, copy, reprint, or make any other use of the Subscriber DL data unless such use is agreed to in advance in writing by the Telephone Company. Nothing contained in this Tariff shall restrict, impair, or in any way diminish the proprietary interest of the Telephone Company in the information supplied to the DP.

(J) The DP is not permitted to resell or transfer the listings for non-directory purposes. (C)

c. Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of Independent telephone companies (ITCs) and CLECs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company sells its listings including the CLEC and ITC listings to a DP at the appropriate ~~tariffed rates for DPLs as specified in Paragraph (e)~~ following.

The Telephone Company will bill the DPLs rate specified in Paragraph e.(A) and a Clearing House Administrative Function rate for CLEC/ITC directory listings specified in Paragraph e.(B) to the DPs.

The ITCs or CLECs will be compensated for their listings included when DPLS services are performed.

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P.S.C. No. 900--Telephone

New York Telephone Company

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LISTINGS

J. DIRECTORY LISTINGS DATA SERVICES (Cont'd)2. Provisioning of Listings to Directory Publishers (DPLS) (Cont'd)c. Compensation to Other Telephone Companies (Cont'd)

The Clearing House Administrative function is only provided in connection with Directory Publishers Listings Service (DPLs), Directory Assistance Listings Service (DALs) as specified in J.1. and Directory Assistance Listings Transfer (DALT), as specified in Section 5.8.1.6 in the P.S.C. No. 916--Telephone Tariff.

d. Rate Application

DPLS will be provided via Magnetic Tape/Cartridge and apply on a per listings basis, as specified in J.2.e.(A) following. In addition, shipping costs for the media will be incurred by the DP.

The Clearing House administrative function rates for CLEC/ITC directory listings will apply in addition to the per listings rate.

The Compensation rate will be remitted to the ITCs or CLECs for the listings provided for DPLS services performed.

The Clearing House Administrative Function and Compensation rates apply on a per listings basis, as specified in J.2.e.(B)(1) and J.2.e.(B)(2) following.

e. Rates and Charges

The following rates apply:

| | <u>Rates</u> | |
|---|--------------|-----|
| (A) <u>DPLS</u> | | |
| - Per Listing | | |
| - Magnetic Tape/Cartridge | \$0.0305 | (C) |
| - Daily Update | | |
| - other media | ICB | |
| (B) <u>Clearing House for CLEC/ITC Listings</u> | | |
| (1) <u>Administrative Function</u> | | |
| - Per Listing | 0.0173 | |
| (2) <u>Compensation*</u> | | |
| - Per Listing | 0.0305 | (C) |

- * Each Independent Telephone Company (ITC) or Certified Local Exchange Carrier (CLEC) will be compensated at the above compensation rate for their listing data until such time as that ITC or CLEC receives its own approved compensation rate.

Issued in compliance with Order of the Public Service Commission dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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P.S.C. No. 916--Telephone

New York Telephone Company

Preface

2nd Revised Page 2

Superseding 1st Revised Page 2

PREFACEStatement of Company's Reservation of Objections and/or Adjustment ProvisionsITEM 5

The rates and changes issued August 21, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 95-C-0657, 94-C-0095 and 91-C-1174, and are without waiver or prejudice to any rights or objections of New York Telephone Company with respect to such Order.

ITEM 6

The rates and changes issued October 2, 1998, reflect the Commission's Order of July 22, 1998 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174 and 96-C-0036 and are without waiver of, prejudice to, any rights or objections of New York Telephone Company with respect to such Order. These rates and changes related to Directory Database issues are being filed by the Company to comply with the requirements of the Order. The Company filed a Petition for Rehearing on August 28, 1998, seeking reconsideration and/or rehearing in this proceeding questioning the appropriateness of various provisions contained in the Commission's July 22, 1998 Order.

ITEM 7

The rates and changes issued January 19, 1999, reflect the Commission's Order of January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075 and are without waiver of, prejudice to, any rights or objectives of New York Telephone Company with respect to such Order.

] (N)]

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

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New York Telephone Company

Section 5

3rd Revised Page 74.3

Superseding 2nd Revised Page 74.3

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.1 Directory Assistance (DA) Services (Cont'd)5.8.1.5 Direct Access to Directory Assistance (DADA) (Cont'd)(B) Regulations

- (1) The TC is required to arrange for interconnection to the database. The Telephone Company will interconnect at any technically feasible point designated by the TC.
- (2) The Telephone Company will provide the TC with a user Guide for training its agents.

(C) Rates and Charges

Rates and Charges for DADA will be billed to the TC and are set forth in Section 5.8.8(A)(3) following.

5.8.1.6 Directory Assistance Listings Transfer (DALT)(A) General

Directory Assistance Listings Transfer (DALT) provides TCs who request to offer operator Directory Assistance Service, with the capability to access the Telephone Company's New York directory listings database.

(B) Regulations

- (1) This service is for use by TCs in providing local exchange service in the State of New York.
- (2) DALT will include all directory listings in the database. Non-published listings will be provided only for the purpose of providing Directory Assistance Services.

The non-published information shall be provided subject to the TC's agreement to abide by the Privacy Principles in Case No. 90-C-0075 and with the agreement not to use the information for any purpose other than informing directory assistance callers that the customer's telephone number is non-published. Address information of non-published customers shall not be given out by TCs and shall be used for identification purposes only. Any violation of this provision or PSL section 91 (5) may result in loss of DA access and/or subject the violator to a penalty action under PSL section 25.

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New York Telephone Company

Section 5

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.1 Directory Assistance (DA) Services (Cont'd)5.8.1.6 Directory Assistance Listings Transfer (DA-LT) (Cont'd)(B) Regulations (Cont'd)

- (3) The Telephone Company shall not be liable for any errors and omissions in the Telephone Company's listings, including the DL (Directory Listings) data provided to the TC. The TC shall protect, indemnify, save harmless and defend the Telephone Company from and against any and all loss, liability, damages and expense arising out of any demand, claim, suit or judgment for damages that may arise out of the Telephone Company's supplying of DL or TC's use of data contained therein irrespective of any fault, failure, or negligence on the part of the Telephone Company, including but not limited to claims made by consumers or other telephone companies(s) or ITC(s) relating to the provision, use or accuracy of DALT or DL data.
- (4) The TC, its employees, representatives, or agents shall not use any methods of advertisement, solicitation, order form, billing invoice, stationary, promotional material or any artifice or device which would tend to create the impression or imply that any service provided by the TC, whether using DALT or not, was or is associated with or sponsored by the Telephone Company or any of its affiliates.
- (5) The Directory Listing Database is and shall remain the property of the Telephone Company. The TC shall have no right to permit any other TC or person to use any information extracted therefrom without the express written consent of the Telephone Company, provided, however, the TC is authorized to make a general distribution of the directories that it published.
- (6) Failure of the Telephone Company to enforce or insist upon compliance with any provision of this Tariff shall not constitute a waiver of its right to enforce future compliance with that provision or compliance with any other provision hereof.

(C)

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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Section 5

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.1 Directory Assistance (DA) Services (Cont'd)5.8.1.6 Directory Assistance Listings Transfer (DALT) (Cont'd)(B) Regulations (Cont'd)

- (7) Failure to comply with the provisions of this Tariff shall result in termination of the service and the TC shall immediately return to the Telephone Company all copies of DALT data in its possession and shall make no further use of DALT data. The Telephone Company may suspend or cease the service when the TC fails to make timely payment of charges or when the Telephone Company has reasonable grounds to believe that the TC has been or is in violation of the prescribed use and application of the data or other terms of the Tariff. Upon TC termination of DALT, the TC shall return all copies of DALT or provide adequate written proof that the data has been removed from its systems and has been destroyed. (N)

- (8) The TC shall also be responsible to the Telephone Company for any and all loss, damage and expense the Telephone Company may suffer as a result of the publication by the TC, whether advertent or inadvertent, by the TC of the subscriber's non-published telephone number, including, but not limited to the cost incurred in changing the subscriber's telephone number.

(C) Undertaking of the Telephone Company

- (1) The Telephone Company will provide directory listings, in electronic format, for its New York end-user customers.
- (2) The Telephone Company will provide the following DALT records:
- The Full load update which consists of the initial Directory Listing record. It will be provided via magnetic cartridge.
 - The Daily Updates which consist of all change activity made since the previous update. Each update will be provided via electronic file transfer.
- (3) Daily updates are provided at the same frequency and with the same basic content that the Telephone Company uses to update its own Directory Assistance database.
- (4) A DALT Technical Transfers Specification document will be made available to TCs in designing their DA database system.

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

Issued: January 19, 1999

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By Sandra Dilorio Thorn, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

P.S.C. No. 916--Telephone

New York Telephone Company

Section 5

3rd Revised Page 74.6

Superseding 2nd Revised Page 74.6

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.1 Directory Assistance (DA) Services (Cont'd)5.8.1.6 Directory Assistance Listings Transfer (DALT) (Cont'd)(D) Compensation to Other Telephone Companies

The Telephone Company will provide a Clearing House Administrative Function for the collection and remittance services associated with the sale of directory listings on behalf of independent telephone companies (ITCs) and TCs which provide to the Telephone Company the directory listings data for their New York local exchange service customers.

The Telephone Company will apply a Clearing House Administrative Function rate for ITC listings for collections and disbursement of compensation services performed.

The ITCs or TCs will be compensated for their listings included for DALT services performed.

The Clearing House Administrative function is only provided in connection with DALT, Directory Publishers Listings Service (DPLs) and Directory Assistance Listings Service (DALs) as specified in Sections 9.J.1. and 9.J.2. of the P.S.C. No. 900--Telephone Tariff.

(E) Rate Application

- (1) The Full Initial Extract Charge provides for the initial full load update and applies per transaction.
- (2) The Daily Update rate provides for the daily updates and applies on a monthly basis.
- (3)
- (4) The Clearing House Administrative Function rate for ITC listings applies on a per listings basis and is in addition to the Initial Extract nonrecurring charge and/or the Daily Updates monthly rate.
- (5) The Compensation rate will be remitted to the ITCs for their listings provided for the DALT services performed.

Rates and charges for DALT are set forth in 5.8.8 (A)(4) following.

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1095 Avenue of the Americas, New York, N.Y. 10036

P.S.C. No. 916—Telephone

New York Telephone Company

Section 5

2nd Revised Page 74.7

Superseding 1st Revised Page 74.7

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.2 Basic Operator Services

Under this option, the Telephone Company will provide basic operator services, both automated and live, as described below.

5.8.2.1 Automated Operator Services (0+/Mechanized Operator Services)

This option enables the TC's end users to alternately bill their calls without live operator assistance. Alternate billing consists of calling card, collect, and bill to third number. This automated process occurs when the TC's end users dial 0+ and reach the Telephone Company's mechanized operator interface. The Telephone Company will return calls requiring completion to the TC's collocated facilities, where the TC must provision for applicable call completion services.

The Telephone Company will bill the TC for each 0+ mechanized call occurrence, as set forth in Section 5.8.8(B). At the TC's request, the Telephone Company will provide TC specific branding, which will be billed per occurrence in addition to the charges mentioned above.

5.8.2.2 Live Operator Services

This option enables the TC's end users to reach a live Telephone Company operator for assistance. This assistance includes the following call types: calling card, collect, bill to third number, person to person, emergency, busy line verification and interrupt, operator passthrough, and miscellaneous information. This live process occurs when the TC's end users dial 0- and reach the Telephone Company's operator services switch and live operator. The Telephone Company will return calls requiring completion to the TC's collocated facilities, where the TC must provision for applicable call completion services.

The Telephone Company will bill the TC for each 0- operator handled call, either on an occurrence basis or an operator work second basis, as set forth in Section 5.8.8(C). At the TC's request, the Telephone Company will provide TC specific branding, which will be billed per occurrence in addition to the charges mentioned above.

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P.S.C. No. 916--Telephone

New York Telephone Company

Section 5

3rd Revised Page 74.8

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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.2 Basic Operator Services (Cont'd)5.8.2.3 Additional Operator Services Features(a) Real Time Rating

Real Time Rating is a capability that enables a Telephone Company operator to provide the TC's standard tariff rates to the TC's end users, when the Telephone Company is providing operator services to that TC. The Telephone Company must be the Operator Services provider for the TC to utilize this service. This capability applies only to standard rates effective at the day and time of the inquiry, and for calls made from the actual line used by the end user to call the Telephone Company operator. Rates cannot be provided that account for optional calling plans or other discounts from standard tariff rates. The requesting TC must provide appropriate rate tables in the format defined by the Telephone Company. The requesting TC must provide an initial list of line numbers associated with the TC subscribers in a format to be defined by the Telephone Company. If a TC utilizing unbundled local switching as specified in 5.6 preceding, requests this service, Operator Service calls must be routed via dedicated trunks ports between the end office in which they have unbundled local switching ports and the TOPS switches.

Rate information/schedules, CIC and OCN must be provided to the Real Time Rating System Administrator (RTRSA) 60 days prior to the requested service date. Confirmation of receipt of the information and the service start date will be provided by the Telephone Company to the TC.

The rates are set forth in Section 5.8.8(D)(1) following.

(b) Automated Coin Toll Service

Automated Coin Toll Service (ACTS) provides the capability to process Intra-LATA toll calls originating from coin phones without operator intervention. After the caller dials a valid 1+IntraLATA Toll call from a coin phone, an automated system prompts the caller to deposit the proper amount of coins for call completion. If the caller fails to deposit the correct amount within the time threshold set by the Telephone Company, the call will default to a live operator for handling. If an insufficient amount is received within the established time threshold, a Telephone Company Operator will prompt the caller to deposit an additional amount. In the event a sufficient amount is not received the call will not be completed. Any overdeposit of coins will be credited toward any overtime. This option is only available with use of the Telephone Company's Operator Services. Rates and Charges for Automated Coin Toll Service will be billed to the TC and are set forth in Section 5.8.8(D)(2) following.

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

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P.S.C. No. 916--Telephone

New York Telephone Company

Section 5
2nd Revised Page 74.9
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NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.3 Inward Operator Services: Wholesale Busy Line Verification and Interrupt

This option permits a TC that does not use the Telephone Company's Basic Operator Services to request Busy Line Verification and Interrupt on the Telephone Company's access lines. The TC's operator services provider must connect to the Telephone Company's operator services switch, as designated by the Telephone Company, through the TC's collocation facilities at that site. This connection requires Feature Group D (FGD) trunks.

At the request of the TC's operator services provider, a Telephone Company operator will attempt to determine the status of an exchange service line (e.g., in use, idle, or out of order). The Telephone Company operator will report the results to the TC operator services provider. If the Telephone Company operator reports the line to be in use, the TC operator services provider, per the TC end user's request, may ask the Telephone Company operator to interrupt the busy line. The Telephone Company operator will interrupt any existing conversation on the busy line and request termination of the call, so that the TC's end user may attempt to complete a call on the line.

The Telephone Company will respond to one telephone number per call on requests for Wholesale Busy Line Verification and Interrupt. This service cannot be provided on ported telephone numbers, telephone numbers which forward calls using Call Forwarding Variable service features, or telephone numbers which have Call Waiting provisioned on the line. The TC shall indemnify and hold the Telephone Company harmless against all claims that may arise from either party to the interrupted call or any other person.

The Telephone Company will bill the TC for each Wholesale Busy Line Verification or Interrupt call, either on an occurrence basis or on operator work second basis, as set forth in Section 5.8.8(E).

5.8.4 (Reserved for future use)5.8.5 (Reserved for future use)5.8.6 (Reserved for future use)5.8.7 (Reserved for future use)

Issued in compliance with Order of the Public Service Commission, dated January 7, 1999 in Case Nos. 94-C-0095, 95-C-0657, 91-C-1174, 96-C-0036 and 90-C-0075.

See PREFACE Item 7 for Statement of Company's Reservation of Objections.

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By Sandra Dilorio Thorn, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

P.S.C. No. 916--Telephone

New York Telephone Company

Section 5
2nd Revised Page 74.10
Superseding Original Page 74.10

NETWORK ELEMENTS

5. Unbundled Network Elements (Cont'd)5.8 Directory Assistance and Operator Services (Cont'd)5.8.8 Rates and Charges(A) Directory Assistance Services

| | <u>Per Request</u> |
|---|--|
| (1) <u>Directory Assistance</u> | |
| Each Request for Information per one telephone number, with NYT branding | \$0.326 |
| Each Request for Information per one telephone number, with TC branding | 0.326 |
| Each Request for Information per one telephone number, without branding | 0.302 |
| Branding Surcharge per call (if applicable) | 0.024 |
| (2) <u>Directory Assistance Call Completion (DACC)</u> | |
| Each Request for Information per one telephone number, with NYT branding plus call completion | 0.449 |
| Each Request for Information per one telephone number, with TC branding plus call completion | 0.449 |
| Each Request for Information per one telephone number, without branding plus call completion | 0.425 |
| Call completion additive per call | 0.123 |
| Branding Surcharge per call (if applicable) | 0.024 |
| (3) <u>Direct Access to Directory Assistance (DADA)</u> | |
| | <u>Per Request</u> |
| Each Search Request | 0.0455* |
| (4) <u>Directory Assistance Listings Transfer (DALT)</u> | |
| | <u>Monthly Rates</u> <u>Nonrecurring Charges</u> |
| (a) <u>Full Initial Extract</u> | ----- \$83,341 |
| (b) <u>Daily Updates</u> | \$3,866 |

* Rates are filed pending final ruling by the Commission. The final rates will apply retroactively to the effective date of the Tariff.

See PREFACE Items 2 and 6 for Statement of Company's Reservation of Objections.

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See PREFACE Item 7 for Statement of Company's Reservation of Objections.

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By Sandra Dilorio Thom, General Counsel
1095 Avenue of the Americas, New York, N.Y. 10036

ATTACHMENT B

Bell Atlantic
1095 Avenue of the Americas, New York, NY 10036
37th Floor
Tel 212 395-8511
Fax 212 768-7568

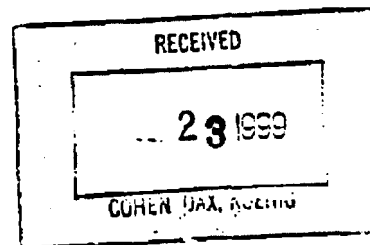


Anne E. Hoskins
Regulatory Counsel (admitted: NJ, MD, and D.C.)

July 23, 1999

BY HAND

Honorable Debra Renner
Acting Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223



Re: 98-C-1357

Dear Ms. Renner:

Attached please find an original and twenty-five copies of the Panel Testimony of Bell Atlantic – New York on Costs and Rates for Directory Assistance Listings Services, together with exhibits and workpapers supporting that testimony.

The workpapers and exhibits, as well as being provided in written form, are also being sent via e-mail to all Parties for whom we have e-mail addresses.

Respectfully submitted,

Anne E. Hoskins

cc: Honorable Joel A. Linsider (By Hand and Electronic Mail)
All Active Parties (By Overnight Mail and Electronic Mail)
Kathleen Burgess, Esq.
Mr. Timothy Zakriski
Mr. Maynard Bowman
Mr. Jeffrey Hoagg
Mr. Yves Isaac
Mr. Charles Reubens
Mr. Richard Schuler
Mr. Dennis Taratus

**EXHIBIT
PART C
Page 1 of 1****DALT, DALs, and DPLS RATES
and CONTRIBUTION**

| LINE# | ITEM A | SOURCE B | AMOUNT C |
|---------------------------------------|--|--------------------------|-------------|
| <u>DALT Rates</u> | | | |
| 1 | Full Load - Electronic File Transfer | WP Part C, Pg 1, L6 | \$28,797 |
| 2 | Full Load - Cartridges | WP Part C, Pg 1, L12 | \$28,797 |
| 3 | Monthly Updates | WP Part C, Pg 1, L18 | \$5,484 |
| <u>DALS Rates</u> | | | |
| 4 | Full Load - Electronic File Transfer | WP Part C, Pg 1, L24 | \$28,797 |
| 5 | Full Load - Cartridges | WP Part C, Pg 1, L30 | \$28,797 |
| 6 | Monthly Updates | WP Part C, Pg 1, L36 | \$5,363 |
| <u>DPLS Rates</u> | | | |
| 7 | Per Listing - One Time Request | WP Part C, Pg 2, L3 | \$0.20 |
| 8 | Per Listing - Updates (Standing Orders) | WP Part C, Pg 2, L6 | \$0.20 |
| <u>Annual BA-NY Contribution</u> | | | |
| 9 | DALT Initial Load plus Updates | WP Part C, Pg 3, L11+L22 | \$22,691 |
| 10 | DALS Initial Load plus Updates | WP Part C, Pg 4, L11+L22 | \$22,259 |
| 11 | DPLS Annual Listings | WP Part C, Pg 2, L16 | \$1,018,084 |
| <u>Compensation to Other Carriers</u> | | | |
| 12 | DALT Initial Load plus one year of Updates | WP Part C, Pg 3, L10+L21 | \$3,391 |
| 13 | DALS Initial Load plus one year of Updates | WP Part C, Pg 4, L10+L21 | \$3,326 |
| 14 | DPLS Annual Listings | WP Part C, Pg 2, L15 | \$88,127 |